

Appl. No. 10/538,262
Amtd. Dated December 30, 2008
Reply to Office Action of July 2, 2008

Attorney Docket No. 81887.0126
Customer No. 26021

REMARKS/ARGUMENTS:

Claims 1, 2, 6, 7, and 11-13 are amended. Claims 1-16 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The invention relates to a wireless communication system which performs data communications, and more particularly, to a wireless communication system wherein the transmission rate in a radio zone can be changed. (Applicant's specification, at p. 1, lines 7-10).

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. (U.S. Patent No. 6,745,049) in view of Hashem et al. (U.S. Patent No. 6,701,129). Applicant respectfully traverses this rejection as to amended claims 1-16.

It is an aspect of the present invention to provide a communication system in which the uplink transmission rate rapidly increases from the communication start time in order to enable the rapid use of the application. (Applicant's specification, at p. 7, lines 22-25).

Claims 1-16, as amended, clarify that it is "an initial transmission rate" that is determined. In contrast, Uchida's purpose is to change a transmission rate of the communication data that is communicated/transmitted (i.e., not initial). (Uchida, abstract).

Hashem cannot remedy the defect of Uchida and is not relied upon by the Office for such. Instead, the Office cites Hashem for teaching a wireless terminal with storage section where at least one transmission parameter is stored.

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In summary, the present invention determines "an initial transmission rate." Therefore, a wireless communication terminal can communicate at a high transmission rate from the start of the communication.

In light of the foregoing, Applicant respectfully submits that the cited references cannot render claims 1-16 obvious, because the cited references fail to teach or suggest each and every claim limitation. Withdrawal of this rejection is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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